

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201808014	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/26/2018 1:07 PM	Location of Incident: [REDACTED]	Precinct: 14	18 Mo. SOL 3/26/2020	EO SOL 11/10/2020	
Date/Time CV Reported	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 09/26/2018 4:42 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph King	08387	943440	023 PCT
2. POM Kwadwo Opokuduro	05915	961037	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kwadwo Opokuduro	Abuse: Police Officer Kwadwo Opokuduro stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
B.POM Kwadwo Opokuduro	Force: Police Officer Kwadwo Opokuduro pointed his gun at § 87(2)(b)	[REDACTED]
C.POM Kwadwo Opokuduro	Force: Police Officer Kwadwo Opokuduro pointed his gun at § 87(2)(b)	[REDACTED]
D.POM Kwadwo Opokuduro	Force: Police Officer Kwadwo Opokuduro pointed his gun at § 87(2)(b)	[REDACTED]
E.POM Kwadwo Opokuduro	Abuse: Police Officer Kwadwo Opokuduro threatened § 87(2)(b) with the use of force.	[REDACTED]
F.POM Kwadwo Opokuduro	Abuse: Police Officer Kwadwo Opokuduro threatened § 87(2)(b) with the use of force.	[REDACTED]
G.POM Kwadwo Opokuduro	Abuse: Kwadwo Opokuduro threatened § 87(2)(b) with the use of force.	[REDACTED]
H.POM Kwadwo Opokuduro	Discourtesy: Police Officer Kwadwo Opokuduro spoke discourteously to § 87(2)(b)	[REDACTED]
I.POM Joseph King	Force: Police Officer Joseph King used physical force against § 87(2)(b)	[REDACTED]
J.POM Joseph King	Abuse: Police Officer Joseph King refused to provide his shield number to § 87(2)(b)	[REDACTED]
K.POM Joseph King	Force: Police Officer Joseph King used a chokehold against § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
L.POM Joseph King	Abuse: Police Officer Joseph King damaged § 87(2)(b) s property.	
M.POM Joseph King	Abuse: Police Officer Joseph King refused to provide his shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		

### Case Summary

On September 26, 2018, § 87(2)(b) filed this complaint on behalf of himself, his ex-wife, § 87(2)(b) and his daughter, § 87(2)(b) with the 19<sup>th</sup> Precinct in-person. It was received at the CCRB that same day under IAB original log number 18-37784.

On September 26, 2018, at approximately 1:07 p.m., § 87(2)(b) was driving with § 87(2)(b) and § 87(2)(b) in the vicinity of § 87(2)(b) in Manhattan. As § 87(2)(b) was driving north on Madison Avenue through the intersection with East 42<sup>nd</sup> Street, PO Kwadwo Opokuduro, of the 23<sup>rd</sup> Precinct, stopped § 87(2)(b)'s vehicle (**Allegation A: Abuse of Authority – Vehicle Stop**, § 87(2)(g) pointed his gun at § 87(2)(b) and § 87(2)(b) (**Allegations B, C, and D: Force – Gun Pointed**, § 87(2)(g) and threatened to shoot § 87(2)(b) and § 87(2)(b) (**Allegations E, F, and G: Abuse of Authority – Threat of Force**, § 87(2)(g) PO Opokuduro, who was standing near Traffic Agent M.D. § 87(2)(b) allegedly told § 87(2)(b) “Stop the fucking car!” and “Get out of the fucking car!” (**Allegation H: Discourtesy** – § 87(2)(g)

PO King approached § 87(2)(b) and grabbed § 87(2)(b)'s arm (**Allegation I: Force – Physical Force**, § 87(2)(g) § 87(2)(b) asked PO King for his shield number, and PO King allegedly refused to provide this to him (**Allegation J: Abuse of Authority – Refusal to Provide Shield Number**, § 87(2)(g) PO King allegedly reached into the car, placed his hands around § 87(2)(b)'s neck, and held them there for approximately five seconds but did not apply pressure and did not obstruct § 87(2)(b)'s breathing (**Allegation K: Force – Chokehold**, § 87(2)(g) PO King then allegedly slapped § 87(2)(b)'s right and left cheeks (**subsumed under allegation I**). As § 87(2)(b) drove forward, PO King followed § 87(2)(b)'s car through the intersection, allegedly grabbed the front driver's side rearview mirror, and twisted the rearview mirror, causing damage to the rearview mirror (**Allegation L: Abuse of Authority – Property Damage**, § 87(2)(g) After § 87(2)(b) cleared the intersection, § 87(2)(b) exited the car and walked back to § 87(2)(b) where she spoke with a bystander, identified by the investigation as § 87(2)(b) who told her that he had seen what happened. § 87(2)(b) approached PO King, and asked PO King for his shield number, which he refused to provide to her (**Allegation M: Abuse of Authority – Refusal to Provide Shield Number**, § 87(2)(g)

§ 87(2)(g), § 87(4-b)

No arrests or summonses resulted from this incident. TARU footage (**BR 01**), cell phone footage (**BR 02**), and security footage (**BR 30**) captured portions of the incident. The relevant clips are discussed below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Kwadwo Opokuduro stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (B) Force: Police Officer Kwadwo Opokuduro pointed his gun at § 87(2)(b)**

**Allegation (C) Force: Police Officer Kwadwo Opokuduro pointed his gun at § 87(2)(b)**

**Allegation (D) Force: Police Officer Kwadwo Opokuduro pointed his gun at § 87(2)(b)**

**Allegation (E) Abuse of Authority: Police Officer Kwadwo Opokuduro threatened § 87(2)(b) with the use of force.**

**Allegation (F) Abuse of Authority: Police Officer Kwadwo Opokuduro threatened § 87(2)(b) with the use of force.**

**Allegation (G) Abuse of Authority: Police Officer Kwadwo Opokuduro threatened § 87(2)(b) with the use of force.**

**Allegation (H) Discourtesy: Police Officer Kwadwo Opokuduro spoke discourteously to § 87(2)(b)**

It is undisputed that on September 26, 2018, at approximately 1 p.m., in the vicinity of § 87(2)(b) in Manhattan, PO Opokuduro pointed his gun at the car in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) (BR 03) stated that he was driving § 87(2)(b) who was in the back seat, and § 87(2)(b) who was in the front passenger seat, to § 87(2)(b)'s apartment in his white Jeep Grand Cherokee. There were significant traffic delays and detours in midtown Manhattan because of the United Nations General Assembly. § 87(2)(b) who was driving northbound on § 87(2)(b), was the first car stopped at the stop light at § 87(2)(b). A City Tour bus was trying to make a turn onto § 87(2)(b), but the bus was too big to maneuver unaided, and officers were trying to direct it safely through the intersection. After four to five minutes, the bus cleared the intersection, and officers began signaling for traffic to move forward. A traffic agent, identified by the investigation as Traffic Agent § 87(2)(b) made a hand motion signaling for § 87(2)(b) to move forward.

§ 87(2)(b) drove forward and to the right so that more cars could go through the intersection. As he did this, he knocked over a traffic cone with his car. After § 87(2)(b) drove forward approximately five to 10 feet, PO Opokuduro ran up to the front passenger side of the car and yelled for § 87(2)(b) to stop moving the car, which § 87(2)(b) did immediately. PO Opokuduro then removed his gun from its holster, pointed it at the front windshield, and held it there for approximately 30 to 45 seconds, after which time he put it back into the holster.

§ 87(2)(b)'s statement (BR 04) was generally consistent with that of § 87(2)(b) with the following exceptions noted. As soon as § 87(2)(b) started to drive forward, PO Opokuduro loudly yelled out three times for § 87(2)(b) to stop, which § 87(2)(b) did. PO Opokuduro walked to the front hood of the car, slammed his hand on the front hood, and yelled at § 87(2)(b) "Stop the fucking car." PO Opokuduro then pointed his gun at the front windshield and yelled, "I'm gonna shoot. I'm gonna shoot." PO Opokuduro put the gun back in its holster, ran to the front driver's side of the car, and told § 87(2)(b) "Were you trying to run me over? Get out of the fucking car."

§ 87(2)(b), § 87(2)(g) § 87(2)(b) drove around the traffic

cones and moved approximately three feet forward when PO Opokuduro, who had been standing in the middle of the intersection, drew his gun from its holster, held it with both hands with his right index finger on the trigger, and ran up to the front passenger side window while continuing to point the gun at the car. PO Opokuduro yelled, "I'm going to shoot if you don't stop," three times. PO Opokuduro held the gun pointed at the front passenger side door for approximately 30 to 40 seconds and then walked to the front hood of the car while continuing to point the gun at the windshield.

§ 87(2)(b), § 87(2)(g) [REDACTED]. After the bus cleared the intersection, the light for northbound traffic changed to green, and § 87(2)(b) [REDACTED] started to drive forward. PO Opokuduro, who was standing in front of § 87(2)(b) [REDACTED]'s car, held his hand up for § 87(2)(b) [REDACTED] to stop, but § 87(2)(b) [REDACTED] continued to move forward, knocking over a safety cone that was on the west side of the intersection.

§ 87(2)(b) [REDACTED] slowed down after hitting the cone but continued to move forward until he was inches in front of PO Opokuduro, who put both his hands over his head with the palms facing outward and then slapped his palms onto the front hood of § 87(2)(b) [REDACTED]'s car. § 87(2)(b) [REDACTED] then stopped the car, and PO Opokuduro went to the front driver's side of the car. § 87(2)(b) [REDACTED] had opened his door and yelled at PO Opokuduro that he "needed to go." Traffic Agent § 87(2)(b) [REDACTED] did not see PO Opokuduro point his gun at § 87(2)(b) [REDACTED]'s car or ever remove his gun from its holster, and he did not hear any officers use any profanity during the incident. He did not hear PO Opokuduro say that he was going to shoot at the car.

The investigation was unable to obtain a statement from a second traffic agent, § 87(2)(b) [REDACTED] (**BR 32**).

PO Opokuduro (**BR 07**) stated that he and his partner, PO King, were assigned to direct traffic at the intersection of § 87(2)(b) [REDACTED] because the United Nations General Assembly was meeting that day. As a result of this, there was increased traffic in the area, dignitaries from multiple nations were travelling through the intersection, and officers had been alerted to the possibility of terrorist attacks because of the nature of the event and, in general, because of the proximity to Grand Central Station. The intersection, which is normally busy, was also experiencing high levels of pedestrian and vehicular congestion.

Commercial vehicles were not permitted to go northbound on § 87(2)(b) [REDACTED] and were required to turn either right or left onto § 87(2)(b) [REDACTED] depending on what lane they were in. In order to aid the flow of traffic, safety cones had been set up on § 87(2)(b) [REDACTED] just below § 87(2)(b) [REDACTED] in a triangle formation with the tip of the triangle facing southbound. PO Opokuduro was standing in the middle of the crosswalk on the south side of Madison Avenue by the base of the triangle. Northbound traffic was divided into three lanes, and PO Opokuduro was facing southbound so he could appropriately direct the northbound traffic. PO King was standing in the crosswalk on the north side of § 87(2)(b) [REDACTED], and Traffic Agent § 87(2)(b) [REDACTED] was on the southwest side of § 87(2)(b) [REDACTED].

PO Opokuduro saw § 87(2)(b) [REDACTED] driving a white Jeep northbound at approximately five miles per hour in the center lane of traffic directly toward the tip of the triangle of safety cones, which was approximately 15 feet in front of PO Opokuduro. PO Opokuduro immediately became concerned because he did not know why § 87(2)(b) [REDACTED] was ignoring the safety cones and was driving directly towards a uniformed officer. PO Opokuduro thought that, given the concerns of the day, § 87(2)(b) [REDACTED] may have been part of a terrorist attack, involved in the commission of some criminal behavior, or otherwise in distress.

§ 87(2)(b) hit a safety cone at the tip of the triangle and dragged it underneath his Jeep. PO Opokuduro immediately yelled out loudly for § 87(2)(b) to stop and raised his hands up in front of him to indicate that the car should not proceed forward. PO Opokuduro held his hand up while continuing to yell loudly more than three times for § 87(2)(b) to stop, but § 87(2)(b) continued to drive forward towards PO Opokuduro, who was in front of the car by the front passenger side. PO Opokuduro also blew his whistle to signal for § 87(2)(b) to stop, but § 87(2)(b) ignored this and kept moving steadily forward, hitting a second safety cone.

PO Opokuduro could not see into § 87(2)(b)'s car because there was a glare from the sun reflecting off the front windshield, and, as such, he was unable to determine who was driving the car, how many occupants were in the car, or if there were any visible threats in the car. As the Jeep continued to move forward through the safety cones and toward PO Opokuduro, PO Opokuduro started to fear for his life and for the lives of the other officers and civilians in the area. PO Opokuduro was, at that time, the only officer posted at the southern side of the intersection, and this elevated his fear. PO Opokuduro decided then, having already verbally instructed the car to stop, signaled with his hands for the car to stop, and blown his whistle to signal for the car to stop, to draw his gun and point it at the Jeep as a last resort to compel the driver to stop the vehicle.

When the Jeep was approximately three to five feet away from PO Opokuduro, close enough for him to reach out and touch the hood of the car, PO Opokuduro removed his gun from its holster and pointed it at the Jeep for approximately one to two seconds. The Jeep then came to a stop within a few inches of PO Opokuduro's left leg. As soon as the Jeep stopped moving, PO Opokuduro put his gun back into the holster and tried to open the front passenger side door, which was locked, so he could speak to the occupants of the car and determine why § 87(2)(b) had not immediately stopped when instructed to do so. PO Opokuduro went to the front driver's side, opened the door from the outside of the car, and asked § 87(2)(b) what was going on. § 87(2)(b) who appeared angry because he was yelling loudly, told PO Opokuduro, "I don't care. I'm late for an appointment."

PO Opokuduro denied ever saying, "Stop the fucking car," "Were you trying to run me over? Get out of the fucking car," or using any other profanity during the course of the incident, and he did not hear any other officer do so. PO Opokuduro denied ever verbally threatening to shoot the car or its occupants.

§ 87(2)(g) PO King was standing on § 87(2)(b) on the north side of the intersection when he heard PO Opokuduro, who was approximately four to five car lengths away from PO King, say, "Ohhh!" PO King turned to look at PO Opokuduro and saw PO Opokuduro standing stationary a few inches away from a white Jeep that was stopped in the intersection. It appeared as though the Jeep had run over one of the safety cones positioned within the intersection. However, PO King did not actually see this occur. PO King then approached the front driver's side of the car and met PO Opokuduro as PO Opokuduro started asking § 87(2)(b) what was going on.

PO King did not ever see PO Opokuduro point his gun at § 87(2)(b)'s car; however, PO Opokuduro told PO King after the incident was over, that he had pointed his gun at the car because the car had hit a safety cone and then almost hit him. PO King did not observe PO Opokuduro use any profanity at any point during the incident or threaten to shoot at the car or its occupants.

TARU footage (**BR 01**) from a camera located at the southeast corner of § 87(2)(b) captured the incident. A clip of the incident (**BR 09**), which is 00:04 seconds long, shows § 87(2)(b)'s white Jeep, which is at the south side of § 87(2)(b), move northbound toward PO Opokuduro, who is standing directly in front of the car. PO Opokuduro, when the car is approximately one car length away from him, raises his right arm straight in front of his body with the palm up. The Jeep continues to move forward toward PO Opokuduro. PO Opokuduro takes one step to his right as he lowers his right hand, then raises his left hand to waist level and extends his arm forward, at which point the Jeep moves forward onto PO Opokuduro's outstretched left palm. As the Jeep continues to move forward, PO Opokuduro removes his gun from its holster with his right hand and points it at the windshield on the passenger side for approximately one second before placing it back in the holster, at which point the Jeep stops moving. The clip slowed down to half speed (**BR 10**) more clearly shows the interaction.

Another clip (**BR 11**) from the TARU footage shows a safety cone underneath the body of § 87(2)(b)'s car. § 87(2)(b) drives forward, leaving behind the traffic cone. The video does not capture how the cone came to be underneath § 87(2)(b)'s car.

A clip from a security camera at § 87(2)(b) (**BR 31**) captures the incident at a distance. However, the camera is too far away to clearly discern PO Opokuduro point his gun, or any other details of the incident.

It is undisputed that PO Opokuduro stopped § 87(2)(b)'s car as he tried to drive northbound on § 87(2)(b), § 87(2)(g).

§ 87(2)(b), § 87(2)(g)

New York State Vehicle Traffic Law Article 24, Section 1110 (**BR 12**) states that every person shall obey the instructions of any official traffic control device applicable to him placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer.

Patrol Guide Procedure 221-01 (**BR 13**) states that the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the services determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.

§ 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 200-02 (**BR 28**) states that the New York City Police Department is committed to treating every citizen with compassion, courtesy, professionalism, and respect.

According to Deputy Commissioner of Trials case #2017-17276 (**BR 29**), in a violent and stressful street encounter, language which would ordinarily be inappropriate in dealing with civilians may be excused.

§ 87(2)(b), § 87(2)(g)

**Allegation (I) Force: Police Officer Joseph King used physical force against § 87(2)(b)**  
**Allegation (J) Abuse of Authority: Police Officer Joseph King refused to provide his shield number to § 87(2)(b)**  
**Allegation (K) Force: Police Officer Joseph King used a chokehold against § 87(2)(b)**  
**Allegation (L) Abuse of Authority: Police Officer Joseph King damaged § 87(2)(b)'s property.**

§ 87(2)(b) (**BR 03**) stated that while PO Opokuduro was pointing his gun at the car, PO King approached the front driver's side door and opened it. PO King then reached into the car, grabbed § 87(2)(b)'s upper left shoulder, and pulled § 87(2)(b) toward the open door. § 87(2)(b) however, was wearing a seatbelt, and PO King could not pull him out of the car. PO King did not pull § 87(2)(b) very forcefully, and § 87(2)(b) felt no pain as a result of the contact.

After PO King let go of § 87(2)(b), § 87(2)(b) asked PO King for his shield number, but PO King did not answer him, and § 87(2)(b) closed the car door. PO King then reached in through the open window of the car and placed his hands around § 87(2)(b)'s neck with his thumbs by the larynx for approximately five seconds. PO King did not apply pressure, and § 87(2)(b) felt no pain and had no difficulty breathing. PO King then slapped each of § 87(2)(b)'s cheeks one after the other in quick succession with one of his hands. In response to this, § 87(2)(b) spat on PO King, but he was not sure if any of the spit actually hit PO King. Two officers, who § 87(2)(b) could not identify, pulled PO King away from § 87(2)(b)'s car, and § 87(2)(b) began to drive forward.

§ 87(2)(b) drove forward a few feet, and PO King, who had followed after § 87(2)(b)'s car, grabbed § 87(2)(b)'s driver's side mirror with both of his hands and twisted it. The mirror broke but was still attached to the body of the car by the interior cables. § 87(2)(b) continued to drive forward for approximately one block north on § 87(2)(b) and stopped in front of a PNC bank. § 87(2)(b) exited his car and was able to re-attach the rearview mirror to the body of the car. § 87(2)(b) provided pictures of the damage that he took at his home after the incident (**BR 15**, **BR 16**, and **BR 17**) which capture a crack on the top right side of the plastic encasing the mirror and show that the body of the rearview mirror was not fully attached to the car. § 87(2)(b) had not gotten the damage fixed and could not estimate the cost to repair the damage.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that the same officer who pointed the gun at the car reached into the window and grabbed § 87(2)(b) by the shirt collar and pulled



him toward the open door of the car. This officer then put his open palm on the back of § 87(2)(b)'s neck and pushed his head slightly forward toward the steering wheel. Two male officers, who § 87(2)(b) could not identify, pulled this officer away from the car, and, as they did so, this officer hit the bottom of the front driver's side door and said, "Get out of here." § 87(2)(b) started to drive forward, but only moved a few inches when this officer grabbed the front driver's side mirror and pulled it with both of his hands with enough force that it was hanging off the car.

§ 87(2)(b), § 87(2)(g) § 87(2)(b) also identified the officer who pointed the gun as the same officer who grabbed § 87(2)(b) by the shirt collar and told him to get out of the car. This officer had not told § 87(2)(b) to get out of the car prior to grabbing him. This officer then reached both of his hands into the window and, with his open right palm, hit § 87(2)(b)'s right cheek and then left cheek four times in quick succession. This officer then put his open palm onto § 87(2)(b)'s left cheek and pushed his head to the right towards his shoulder in a quick motion. This officer took his hands out of the car and told § 87(2)(b) "Just get out of here." Before § 87(2)(b) could move the car, this officer took both of his hands and placed them on the front driver's side mirror. This officer made a twisting motion with his hands and pulled the mirror away from car such that it was only hanging onto the car by the interior wires.

§ 87(2)(b), § 87(2)(g) When § 87(2)(b) was initially speaking with PO Opokuduro, § 87(2)(b) who was seated inside the car, was waving his hands in front of his chest at shoulder level as he was talking. Traffic Agent § 87(2)(b) did not have a clear view from where he was standing, but he saw PO King approach § 87(2)(b) and, with an open palm, push § 87(2)(b)'s hand into the car. PO King said, "Get back in the car. Go inside." § 87(2)(b) did not appear to be trying to get out of the car when PO King said this. Traffic Agent § 87(2)(b) was not able to see where exactly PO King came into contact with § 87(2)(b) or determine how hard he pushed § 87(2)(b)'s hand. § 87(2)(b) closed the car door, drove forward through the intersection, and then stopped. Traffic Agent § 87(2)(b) did not observe any other physical contact between § 87(2)(b) and any of the other officers present, and he did not see any officers damage § 87(2)(b)'s rearview mirror. Traffic Agent § 87(2)(b) did not take note of any damage on § 87(2)(b)'s car at any point during the interaction.

PO King (BR 08) stated that he approached § 87(2)(b) just after PO Opokuduro got to the front driver's side of the car. The car door was closed, but the window was open. § 87(2)(b) was loudly yelling and cursing at PO King and PO Opokuduro, but PO King could not recall what he was saying. PO King and PO Opokuduro both told § 87(2)(b) that he needed to get out of the intersection, but PO King was not sure if PO Opokuduro had told § 87(2)(b) to drive forward or to make a turn onto § 87(2)(b). § 87(2)(b) however, would not move his car and remained stationary inside of the intersection.

PO Opokuduro returned to his post at the south side of the intersection to continue directing traffic while PO King stayed by the front driver's side door of § 87(2)(b)'s car to direct him through the intersection. § 87(2)(b) drove forward slightly toward the northwest corner of the intersection and then stopped again. PO King told § 87(2)(b) to keep moving forward, but § 87(2)(b) would not, and he spat at PO King. PO King then decided that § 87(2)(b) was under arrest for disorderly conduct, obstructing governmental administration, and for spitting on him. PO King reached into § 87(2)(b)'s car and grabbed § 87(2)(b)'s left forearm because he wanted

to detain him for arrest. However, § 87(2)(b)'s arm was sweaty, and PO King immediately lost his grip. PO King could not recall if he tried to grab § 87(2)(b)'s arm a second time or if the car was moving while this happened. PO King then decided not to arrest § 87(2)(b) because he determined that it would be safer for everyone if § 87(2)(b) left the intersection. PO King also thought that, in that moment, it was more important for traffic safety for him to resume his post rather than to pursue an arrest.

After PO King lost his grip on § 87(2)(b)'s arm, § 87(2)(b) drove north on § 87(2)(b). PO King followed § 87(2)(b)'s car back to the north side of the intersection because this was his assigned post. As he was walking with the car, PO King told § 87(2)(b) to keep moving, but he did not say anything else to § 87(2)(b).

PO King denied ever grabbing § 87(2)(b) by the shirt collar, placing his hands on § 87(2)(b)'s neck, slapping § 87(2)(b)'s face, or making any contact with § 87(2)(b) other than grabbing his forearm. PO King stated that he never heard § 87(2)(b) ask him for his shield number, and that he never refused to provide this information to him. PO King denied damaging § 87(2)(b)'s rearview mirror and did not observe any damage to § 87(2)(b)'s car during the course of the incident.

PO King reviewed TARU footage of the incident (**BR 18**) but it did not refresh his memory of the incident, and he was unable to identify the point at which he grabbed § 87(2)(b)'s arm.

§ 87(2)(g)  
A few seconds after PO Opokuduro started talking to § 87(2)(b) PO King approached the front driver's side door and stood between PO Opokuduro and the hood of the car. PO Opokuduro asked § 87(2)(b) what was going on and why he had driven over the safety cones, but § 87(2)(b) refused to answer PO Opokuduro's questions. PO Opokuduro, having interacted with § 87(2)(b) however briefly, and having seen inside the car, determined that § 87(2)(b) while angry, did not pose any immediate physical threat and decided that it would be safer, because of the general volume of traffic, for § 87(2)(b) to leave the intersection. At no point did PO Opokuduro consider § 87(2)(b) to be under arrest, and he had no intention to issue § 87(2)(b) a summons.

PO Opokuduro did not discuss the decision to have § 87(2)(b) leave the intersection with PO King, but they both issued verbal commands for § 87(2)(b) to clear the intersection. After they said this, PO Opokuduro closed § 87(2)(b)'s car door. At this time, PO Opokuduro took his eyes off the car and looked around the intersection because he needed to breathe for a moment because, moments before, he thought that he was about to be hit by a car. (PO King later told PO Opokuduro that § 87(2)(b) had spat on him after he closed the door. PO Opokuduro did not see this occur.)

As soon as § 87(2)(b) started to drive forward, PO Opokuduro turned so that his back was toward § 87(2)(b)'s car, and he returned to his post at the south side of the intersection so that he could resume directing traffic. As he was walking back, PO Opokuduro stopped, with Traffic Agent § 87(2)(b) to pick up and replace the cones that § 87(2)(b) had knocked over. PO Opokuduro did not observe PO King walk back to his post or § 87(2)(b)'s car as it drove through the intersection.

PO Opokuduro denied ever making any physical contact with § 87(2)(b) and he did not observe PO King do so either. PO King never later described to PO Opokuduro any physical contact that he had with § 87(2)(b). PO Opokuduro did not observe PO King damage § 87(2)(b)'s rearview mirror and did not see any damage to the body of § 87(2)(b)'s car.

A video clip from the TARU footage (**BR 18**) captures an angle of this portion of the incident. At 00:03 seconds, PO Opokuduro opens the front driver's side door of § 87(2)(b)'s car as PO King approaches the car with both of his arms raised straight above his head. PO King stands between the outside of the open door and the hood of the car while PO Opokuduro appears to gesture with his right hand toward the south side of the intersection. Both PO Opokuduro's and PO King's hands are obscured by the body of the car. At 00:12 seconds, PO King closes the car door, and PO Opokuduro turns away from the car toward the west side of the intersection. PO King appears to look into the front driver's side window, and, as the car moves forward, walks with the car northbound on § 87(2)(b). At 00:14 seconds, it appears as though PO King reaches towards the front driver's side windows of the car with his right arm. However, the body of the car obscures PO King's lower arm, and it is not clear if any portion of his arm goes into the car or makes contact with § 87(2)(b).

Between 00:15 seconds and 00:23 seconds, PO King walks slightly in front of § 87(2)(b)'s car and is gesturing with his right arm for the car to continue to drive forward. At 00:24 seconds, the car stops, and PO King leans toward the front driver side window. It is unclear where his hands are. At 00:26 seconds, the car drives away. § 87(2)(b)'s left rearview mirror is obscured for the duration of the clip by the body of the car.

Security footage from § 87(2)(b) (**BR 31**) captures the incident at a distance and shows PO King walking with § 87(2)(b)'s car. However, the camera is positioned too far away from the intersection to clearly see any physical interaction between PO King and § 87(2)(b) or determine whether PO King made contact with § 87(2)(b)'s rearview mirror.

Although § 87(2)(b) and § 87(2)(b) stated that the same officer who pointed the gun at the car was the officer who used force against § 87(2)(b) and damaged the rearview mirror, video evidence and statements from § 87(2)(b) Traffic Agent § 87(2)(b) PO Opokuduro, and PO King support that PO King is the officer who allegedly used force against § 87(2)(b) and allegedly damaged the rearview mirror. However, PO King stated that he only grabbed § 87(2)(b)'s arm after § 87(2)(b) spat at him, and § 87(2)(b) stated that he spat at PO King in response to PO King's use of force. PO King's sequence of events and his description of briefly grabbing § 87(2)(b)'s arm greatly differs from the levels of force described by § 87(2)(b) and § 87(2)(b). Video footage of the incident does not capture the alleged force and property damage, and there is no audio footage of the incident.

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation (M) Abuse of Authority: Police Officer Joseph King refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) (**BR 04**) stated that § 87(2)(b) drove north on § 87(2)(b) and stopped the car at § 87(2)(b). § 87(2)(b) got out of the car and walked back to the § 87(2)(b) to try to get PO King's information. When she got to the intersection, she saw PO King standing in the middle of the street talking with an unknown male. Another individual, § 87(2)(b) was standing on the sidewalk filming PO King with his cell phone. When the traffic

stopped, § 87(2)(b) walked into the street and approached PO King. She asked him for his name and shield number because it was obscured by his vest. PO King told her his name was “Officer King,” but he did not provide his shield number. PO King then yelled at § 87(2)(b) to get out of the street and onto the sidewalk because she was blocking traffic. § 87(2)(b) later texted § 87(2)(b) the video footage that he had taken with his cell phone.

§ 87(2)(b), § 87(2)(i) Both § 87(2)(b) and § 87(2)(b) remained by their car while § 87(2)(b) went back to the intersection with PO King. § 87(2)(b) later told them that PO King provided his name to her but not his shield number.

Traffic Agent § 87(2)(b) (BR 06) stated that he saw § 87(2)(b) and a male approach PO King with a cell phone and ask questions. Traffic Agent § 87(2)(b) heard the male ask PO King for the name of his supervisor, but he could not hear what PO King responded.

§ 87(2)(b) (BR 19) and Traffic Agent § 87(2)(b) (BR 32) did not provide the CCRB with a statements).

PO King (BR 08) stated that § 87(2)(b) and another unidentified male approached him in the intersection, and that § 87(2)(b) asked him for his name and shield number, both of which he provided to her. § 87(2)(b) and the male all then left the location.

§ 87(2)(g) . Once he resumed directing traffic, PO Opokuduro briefly turned around to look at PO King, at which point he saw PO King standing in the middle of the street with § 87(2)(b) who was yelling at PO King. PO Opokuduro could not hear what she was saying, so PO Opokuduro took a few steps toward PO King. As he did this, PO Opokuduro heard PO King say, “PO King, shield number 83...” He also heard PO King tell § 87(2)(b) to clear the street because she was standing in the way of oncoming traffic.

Cell phone video (BR 02) of the incident provided by § 87(2)(b) shows § 87(2)(b) approach PO King, who is standing in the middle of the intersection. PO King yells at § 87(2)(b) to get out of the street because she is blocking vehicular traffic. It is unclear from the audio whether § 87(2)(b) asks for PO King’s name or shield number, or if this information is provided to her.

§ 87(2)(b), § 87(2)(g) .

§ 87(2)(b), § 87(2)(g), § 87(4-b) .

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 21**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 22**).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 23**).
- PO Opokuduro has been a member of service for three years and has been a subject in two CCRB complaints and three allegations, none of which was substantiated. § 87(2)(g)
- PO King has been a member of service for 12 years and has been a subject in eight CCRB complaints and 11 allegations, of which three were substantiated:
  - 200807575 involved substantiated allegations of property damage and discourtesy against PO King. The Board recommended Command Discipline B, and the NYPD imposed Command Discipline B.
- 2201510904 involved a substantiated allegation of discourtesy against PO King. The Board recommended Command Discipline A, and the NYPD imposed Command Discipline A.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of March 14, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**BR 24**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 25**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 26**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 27**).

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Squad No.: 10

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Title & Name

\_\_\_\_\_  
Date